SIXTH DAY.—*19th October 1929.*

The House re-assembled at 12 noon.

QUESTIONS AND ANSWERS.

MR. S. V. GURUMURTHIACHARYA.—

The Assembly is nearly closing but my question has not been answered. I request that Question No. 3 be taken up immediately as there is an important question of policy involved in it which requires no elaborate information to be obtained from the Districts.

DEWAN.—

All the information has not been received. We shall give you whatever is ready.

MR. S. V. GURUMURTHIACHARYA, (Minority Interest), Sravanabelagula.—

Q.—3. Will the Government be pleased to state :—

(*a*) Whether the Government are aware of the difficulty experienced by members of minor communities on all occasions of marriage processions and procession of Gods in public streets by the interference of powerful communities of the localities ?

(*b*) Is it a fact that several courts have decided that such processions may be conducted ?

(*c*) If so, the number of cases instituted from July 1900 to July 1929, the names of courts where cases were instituted, and the names of communities who instituted and the number of suits that were disposed of may kindly be intimated ?

(*d*) Is there any difficulty in allowing people of all communities to conduct processions, etc., according to their *sastras* in all public places in the State just as in the Civil and Military Station, Bangalore ?

(*e*) Will the Government assure all communities that there is not the least obstacle to conduct religious observances in public streets of the State just as they have permitted members of the depressed classes to enter all schools, offices, municipalities, Representative Assembly, District Board and Legislative Council, removing all obstacles and *mamool* ?

Supplementary Questions and Answers.

Mr. S V. Gurumurthiacharya.—

In Hosadurga, Krishnarajpet, Mandya, Tiptur, Tyamgondlu, Nagamangala, Davangere, Chickballapur and a large number of other places, powerful communities of the localities have interfered with processions of minority communities resulting in law suits and lakhs and lakhs of rupees have had to be spent on that account. Have not those cases come to the notice of Government ?

Secretary to Government, Law Department.—

We want time to answer that question, as so many Courts have to be consulted and so many reports to be looked into.

Mr. S. V. Gurumurthiacharya.—

Cannot question (*d*) be answered as to whether there is any difficulty in allowing people of all communities to conduct processions, etc., according to their own *sastras*, in all public places ?

Secretary to Government, Law Department.—

Subject to all lawful orders issued by the Magistrates concerned in the interests of public safety. The usual practice is to take licenses. If applications are presented, the Police and the Magistrate will consider the circumstances of each case and issue the license or not.

Mr. S. V. Gurumurthiacharya.—

But very often, the question of *mamool* is raised. What are the poor minority communities to do ?

Secretary to Government, Law Department.—

That is also important. If all the communities join

and ask for a *mamool* being done away with, Government will have no objection.

Mr. S. Venkatesaiya.—

It is not so easy. The question as to whether a particular procession can be on horse-back or not has been the subject of decision by the Chief Court.

Secretary to Government, Law Department.—

That is not the question before us. As regards processions generally, the Regulation is very clear, and the principle of the law is that each one can exercise his right, provided it does not encroach upon the rights of others.

Mr. S. V. Gurumurthiacharya.—

Why should there be any restrictions in regard to processions in the public streets ?

Secretary to Government, Law Department.—

Because they are public streets you cannot interfere with the rights of others. For instance, you cannot obstruct traffic. Can you close a public road to all others because of your procession ? Without prejudice, therefore, to the rights of all those that are entitled to the use of public streets, your request could be given effect to.

Mr. S. Venkatesaiya.—

The Chief Court has decided the case of Akkasaligas, for instance ; and as their rights have already been declared, why should they be prevented from exercising that right ?

Second Member of Council —

There are certain *mamools*. Subject to them, processions may take place. Lately, in Mandya, there was some trouble in connection with a certain marriage procession of Akkasaligas. Where their rights have been declared by competent courts, license will be given, subject to the usual restrictions.

Mr. S. V. Gurumurthiacharya.—

What are those restrictions ?

Secretary to Government, Law Department.—

We cannot say. They vary from place to place.

Second Member of Council.—

For instance, certain streets are prohibited for certain processions.

Mr. S. V. Gurumurthiacharya.—

Have all of them been specified by the Government ?

Second Member of Council.—

Government do not specify them. Cases have taken place and decisions have been given by law courts. If applications from such places come, we will have to go into those cases before acceding to any requests.

Mr. S. V. Gurumurthiacharya.—

But in some cases you have given licenses only recently.

Second Member of Council.—

If we have given licenses, we will enforce them. We will not hesitate to do that.

Mr. P. Subbarama Chetty.—

Has it come to the notice of Government that among the non-Brahmins themselves, there are two main divisions called 'Panakattus'?

Secretary to Government, Law Department.—

Yes.

Mr. P. Subbarama Chetty.—

Has it also come to notice that in the streets in which members of one Panakattu reside, the other Panakattu cannot go in procession ?

Second Member of Council.—

There is such a practice in some places.

Mr. P. Subbarama Chetty.—

When they are public streets, can such restrictions be allowed in favour of any one party ?

Second Member of Council.—

That, we cannot say.

Mr. P. Subbarama Chetty.—

Have not the Government proceeded contrary to *mamool* and admitted Adikarnataka boys to Government Institutions ?

Secretary to Government, Law Department.—

It is being done so far as possible.

Mr. P. Subbarama Chetty.—

Similarly, cannot the Government break the *mamool* in respect of processions also ?

Secretary to Government, Law Department.—

It cannot be done as a general rule. We have to see what is necessary and what is unnecessary. In the former case, for the most part, Government, Magistrates and the Police allow processions as far as possible. In other cases, there is some difficulty, and without consulting the contending parties it is not possible to do anything.

Mr. P. Subbarama Chetty.—

Has it come to the notice of Government that public opinion is in favour of giving equal rights to all communities to use public streets ?

The Second Member of Council.—

If so, why should there be any objections at all ?

Mr. P. Subbarama Chetty.—

If 9 out of 10 are agreeable, why should there be a refusal simply because one is opposed ?

The Second Member of Council.—

If really 9 out of 10 are agreeable, there will not be any difficulty.

Mr. P. Subbarama Chetty.—

What is the relation between processions and religion ?

Second Member of Council.—

It is a legal matter and cannot be explained here.

Mr. P Subbarama Chetty.—

Is such a restriction not a great impediment to the consolidation of all the non-Brahmin communities ?

Second Member of Council.—

Government cannot give an opinion.

Mr. B. S. Puttaswamy.—

Do Government concede that all classes of His Highness' subjects have equal rights irrespective of caste or creed ?

Second Member of Council.—

There is no use asking such very general questions. I am not prepared to answer them.

Mr. B. S. Puttaswamy.—

Have all the subjects of His Highness not got equal rights to use all public streets ?

Second Member of Council.—

Those are not questions to which you can expect answers.

Mr. B. S. Puttaswamy.—

Is it right to deny the privilege to some ?

Second Member of Council.—

If it is a matter of right which has been established, we shall enforce it.

Mr. B. S. Puttaswamy.—

Do Government agree that it is a matter of right or not ?

Second Member of Council.—

Not in that general way. That is a presumption.

Mr. B. S. Puttaswamy.—

What is the basis for the *mamool* ?

Second Member of Council.—

Mamool rests on custom.

Mr. B. S. Puttaswamy.—

If a custom is opposed to public policy, is it not the duty of Government to abolish it ?

Second Member of Council.—

Some customs are good and some are bad. We cannot help it.

Mr. B. S. Puttaswamy.—

If a custom is opposed to inherent rights of a commuity, is it not the duty of the Government to put an end to such a custom ?

Secretary to Government, Law Depratment.—

It is a matter for the courts to decide.

Second Member of Council.—

If one community calls a particular right inherent, another commuity puts in an objection and says that it is not inherent.

Mr. B. S. Puttaswamy.—

However are all subjects entitled to every brithright of citizenship or not ?

Second Member of Council.—

Yes.

Mr. B. S. Puttaswamy.—

Is the right to use all public streets not one of such right ?

Second Member of Council.—

No.

Inspector-General of Police.—

Each man's right is limited by similar rights of others.

Mr. B. S. Puttaswamy.—

How can you say that one has the right and another has not ?

Inspector-General of Police.—

He has got the right to prohibit others in some cases.

Mr. B. S. Puttaswamy.—

Wherefrom did he get that right to prohibit others ?

Inspector-General of Police.—

Civil Courts have decided so.

Mr. B. S. Puttaswamy.—

When ?

Mr. Belur Srinivasaiengar.—

Please refer to the decision of the Chief Court in the Chikpet 9 Panas and 18 Panas Case.

Dewan.—

I do not think we need entangle ourselves in such matters.

Mr. D. S. Mallappa.—

Will the Government consider the question of giving equal rights to all communities to go in procession in all public streets with *bhaja bhajantri* ?

Second Member of Council.—

It will be done so far they do not go against the rights of others.

Mr. D. S. Mallappa.—

Why not make it equally applicable to all communities?

Second Member of Council.—

Each one can exercise his rights provided they do not go against similar rights of others.

Mr. D. S. Mallappa.—

It is not necessary that all communities should have the same rights ?

Second Member of Council.—

That is the opinion of Government. But when there are counter rights, they have to be considered.

Mr. N. G. Sanjeeviah.—

Has not the Hindu Maha Sabha resolved that there should be no such distinctions in such matters ?

Second Member of Council.—

Is it all right for a conference. But, when you actually go to a village, you will see that the same opinion is not held there.

Mr. D. S. Mallappa.—

Why not issue orders that there should be no differences in future ?

Second Member of Council.—

It is not a matter which can be disposed of by Government orders.

Mr. D. S. Mallappa.—

When people themselves come forward and ask for such orders, why not issue them ?

Second Member of Council.—

Who asks ? Go to a village and enquire whether such orders can be issued. They will object to certain communities coming out in procession in particular roads.

Mr. N. G. Sanjeeviah.—

In former days was there not a *mamool* that Adikarnatakas should not come to Government schools ? And was not the old *mamool* broken by Government ?

Second Member of Council.—

Even now there is so much opposition to it. By the mere

issue of orders these questions cannot be solved. The opposition might go in course of time.

Mr. D. S. Mallappa.—

There are reprsentatives of all districts here. On their representation at least, why not Government take action ?

Second Member of Council.—

It is not so easy.

Mr. S. V. Gurumurthiachararya.—

Will the Government promise to allow a private Bill with a view to legislating in the matter, or, themselves issue circular instructions to the Police that the old *mamool* should be broken ?

Dewan.—

We cannot do it.

MR. A. S. NANJUNDAPPA (Alur Sub-Taluk).—

Q.—6. Will the Government be pleased to state:—

(*a*) The number of vacancies among teachers of High Schools in grades Rs. 50-75, 75-125, 125-175, 175-250, every year since the present Director of Public Instruction took charge?

(*b*) How many such vacancies were advertised and how many were filled up without such advertisement?

(*c*) How many vacancies which were advertised were given to backward communities and their castes and how many were given to advanced communities?

(*d*) To what communities were the non-advertised vacancies given and their number?

(*e*) What was the number of teachers in each of the grades mentioned in (*c*) *supra* when the present Director of Public Instruction assumed charge (with the communities to which they belong), and the present number?

(*f*) What is the number of appointments carrying a salary above Rs. 50 given by the present Director after he assumed charge?

(*g*) What is the number advertised and the number not advertised among such appointments? The name of the communities to which were given the appointments and the number of appointments given to each community?